

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MELINA RAZAVI,

Plaintiff,

v.

LUCKY SUPERMARKET
CORPORATION, et al.,

Defendants.

Case No. [16-cv-04119 NC](#)

ORDER TO SHOW CAUSE

Re: Dkt. No. 1

Plaintiff Melina Razavi, proceeding pro se, has filed a letter with the Court alleging that she was struck by a Lucky Store employee on December 6, 2012, with a red store shopping basket. Dkt. No. 1. She has also filed a motion for leave to proceed in forma pauperis. Dkt. No. 2.

However, Razavi's letter does not allege diversity of citizenship or a federal cause of action and does not satisfy the rules of pleading under Federal Rule of Civil Procedure 8(a). Therefore, Razavi is ordered to show cause why her complaint should not be dismissed. She is also reminded that she must either consent to or decline the jurisdiction of a magistrate judge under U.S.C. § 636(c). A form is attached to make this decision. Also attached is a letter providing guidance to additional resources the Court provides pro se litigants. Razavi must respond to this order and must either consent or decline magistrate judge jurisdiction by August 8, 2016.

Under 28 U.S.C. § 1915(a), "any court of the United States may authorize the

commencement . . . of any suit . . . without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement . . . that the person is unable to pay such fees or give security therefor.” A district court must dismiss the complaint of an in forma pauperis (IFP) applicant if it determines that the complaint is frivolous or fails to state a claim upon which relief can be granted. 28 U.S.C. § 1915(e)(2)(B); *Lopez v. Smith*, 203 F.3d 1122, 1126-27 (9th Cir. 2000). “Dismissals on these grounds are often made sua sponte prior to the issuance of process, so as to spare prospective defendants the inconvenience and expense of answering such complaints.” *Neitzke v. Williams*, 490 U.S. 319, 324 (1989).

Here, Razavi has shown in her IFP application that she is unable to pay the filing fee required to file a complaint in federal district court. Dkt. No. 2. However, upon review of her allegations, the Court finds that, liberally construed, her complaint does not pass § 1915 review and should be dismissed for lack of federal subject matter jurisdiction. Federal Rule of Civil Procedure 8 requires that a complaint must contain: (1) a short plain statement of the grounds for the court’s jurisdiction; (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and (3) a demand for the relief sought. Razavi’s complaint sets forth the relevant facts, but does not state the legal basis for a claim, the relief sought, or the basis for the Court’s jurisdiction. Therefore, the Court orders Razavi to show cause why her complaint should not be dismissed. She must respond to this order in writing and also must either consent to or decline magistrate judge jurisdiction by August 8, 2016.

IT IS SO ORDERED.

Dated: July 25, 2016


NATHANAEL M. COUSINS
United States Magistrate Judge

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**CONSENT OR DECLINATION TO
MAGISTRATE JUDGE JURISDICTION**

INSTRUCTIONS: Please indicate below by checking one of the two boxes whether you (if you are the party) or the party you represent (if you are an attorney in the case) choose(s) to consent or decline magistrate judge jurisdiction in this matter. Sign this form below your selection.

☐ **Consent** to Magistrate Judge Jurisdiction

In accordance with the provisions of 28 U.S.C. § 636(c), I voluntarily **consent** to have a United States magistrate judge conduct all further proceedings in this case, including trial and entry of final judgment. I understand that appeal from the judgment shall be taken directly to the United States Court of Appeals for the Ninth Circuit.

OR

☐ **Decline** Magistrate Judge Jurisdiction

In accordance with the provisions of 28 U.S.C. § 636(c), I **decline** to have a United States magistrate judge conduct all further proceedings in this case and I hereby request that this case be reassigned to a United States district judge.

DATE:

NAME:

COUNSEL FOR:

(OR "PRO SE")

Signature

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

280 South 1st Street
San Jose, CA 95113

www.cand.uscourts.gov

SUSAN Y. SOONG
CLERK OF COURT

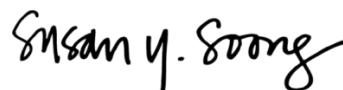
GENERAL COURT NUMBER
408-535-5363

To: Pro Se Litigant
Re: Representing Yourself Before This Court

Dear Pro Se Litigant:

If you are representing yourself in federal court without representation by an attorney, that is called proceeding “pro se.” The court has free resources to help you find your way through the court system and procedures. The Federal Pro Se Program at the San Jose Courthouse provides free information and limited-scope legal advice to pro se litigants in federal civil cases. The Federal Pro Se Program is available by appointment and on a drop-in basis. The Federal Pro Se Program is available at Room 2070 in the San Jose United States Courthouse (Monday to Thursday 1:00 – 4:00 pm, on Friday by appointment only), and The Law Foundation of Silicon Valley, 152 N. 3rd Street, 3rd Floor, San Jose, CA (Monday to Thursday 9:00 am – 12:00 pm, on Friday by appointment only), or by calling (408) 297-1480.

There are also online resources available on the court’s webpage. The Pro Se Handbook, found at <http://www.cand.uscourts.gov/prosehandbook>, has a downloadable version of the court’s own publication: *Representing Yourself in Federal Court: A Handbook for Pro Se Litigants*. Pay special attention to the **Civil Litigation Packets** tab on the left, which provides useful fillable forms. The Pro Se Handbook website also has a link to the Court’s Electronic Case Filing (ECF) website.



Susan Y. Soong

Clerk, United States District Court

United States District Court
Northern District of California

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 25, 2016, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Melina Razavi
1200 Franklin Mall
Santa Clara, CA 95050

Dated: July 25, 2016

Susan Y. Soong
Clerk, United States District Court

By: 
Lili Harrell, Deputy Clerk to the
Honorable NATHANAEL M. COUSINS